

House Amendment 1198

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1 1 Amend House File 732 as follows:
1 2 #1. Page 7, by inserting after line 28 the
1 3 following:
1 4 <Sec. _____. Section 256F.4, subsection 2, Code
1 5 2009, is amended by adding the following new
1 6 paragraph:
1 7 NEW PARAGRAPH. k. Be subject to and comply with
1 8 the provisions of section 279.68 relating to the use
1 9 of school resources or employees to influence
1 10 elections.>
1 11 #2. Page 11, by inserting after line 10 the
1 12 following:
1 13 <Sec. _____. NEW SECTION. 279.68 USE OF SCHOOL
1 14 RESOURCES OR EMPLOYEES TO INFLUENCE ELECTIONS
1 15 PROHIBITED == CIVIL PENALTY.
1 16 1. A person acting on behalf of a school district
1 17 or a person who aids another person acting on behalf
1 18 of a school district shall not use school district
1 19 personnel, equipment, materials, buildings, or other
1 20 resources for the purpose of influencing the outcome
1 21 of an election. Notwithstanding this section, a
1 22 school district may distribute informational reports
1 23 on a proposed bond election as provided in chapter
1 24 298. Nothing in this section precludes a school
1 25 district from reporting on official actions of the
1 26 board of directors of the school district.
1 27 2. An employee of a school district who is acting
1 28 as an agent of or working in an official capacity for
1 29 the school district shall not give students written
1 30 materials to influence the outcome of an election or
1 31 to advocate support for or opposition to pending or
1 32 proposed legislation.
1 33 3. An employee of a school district shall not use
1 34 the authority of the employee's position to influence
1 35 the vote or political activities of any subordinate
1 36 employee.
1 37 4. A teacher who is acting as an agent of or who
1 38 is working in an official capacity for a school
1 39 district shall not do any of the following:
1 40 a. Endorse, support, or oppose any candidate or
1 41 nominee for local, state, or federal public office or
1 42 any elected or appointed local, state, or federal
1 43 official.
1 44 b. Endorse, support, or oppose any pending,
1 45 proposed, or enacted local, state, or federal
1 46 legislation, regulation, or rule.
1 47 c. Endorse, support, or oppose any pending or
1 48 proposed litigation in a local, state, or federal
1 49 court or endorse, support, or oppose any judicial
1 50 action taken by a local, state, or federal court.
2 1 d. Advocate one side of a social, political, or
2 2 cultural issue that is a matter of partisan
2 3 controversy.
2 4 e. Endorse, support, or engage in any activities
2 5 that hamper or impede the lawful access of military
2 6 recruiters to the school attendance center grounds.
2 7 f. Endorse, support, or engage in any activities
2 8 that hamper or impede the actions of local, state, or
2 9 federal law enforcement.
2 10 5. Nothing in this section shall be construed as
2 11 denying the civil or political liberties of any person
2 12 as guaranteed by the United States or Iowa
2 13 Constitution.
2 14 6. By January 1, 2010, the attorney general shall
2 15 publish and distribute to school districts detailed
2 16 guidelines regarding activities prohibited under this
2 17 section. The attorney general may distribute these
2 18 guidelines through a web site or electronically.
2 19 7. By January 1, 2010, the state board of
2 20 education shall publish and distribute to school
2 21 districts and school district teachers, employees,
2 22 parents, and students detailed guidelines regarding
2 23 the rights and responsibilities of school districts
2 24 and school district teachers, employees, parents, and

2 25 students under this section.
2 26 8. In addition to the civil penalty prescribed in
2 27 subsection 11, a violation of subsection 4 by a
2 28 licensed teacher is misconduct subject to disciplinary
2 29 action, including suspension or revocation of the
2 30 individual's teaching license, as the board of
2 31 educational examiners deems appropriate.
2 32 9. The state board of education shall require
2 33 teachers to obtain at least three hours of annual
2 34 training concerning the responsibilities of teachers
2 35 under subsection 4.
2 36 10. The attorney general or the county attorney
2 37 for the county in which an alleged violation of this
2 38 section occurred may initiate a suit in the district
2 39 court of the county in which the school district is
2 40 located for the purpose of complying with this
2 41 section.
2 42 11. For each violation of this section, the court
2 43 may impose a civil penalty not to exceed five hundred
2 44 dollars plus any amount of misused funds subtracted
2 45 from the school district budget against a person who
2 46 knowingly violates or a person who knowingly aids
2 47 another person in violating this section. The person
2 48 determined to be in violation of this section shall be
2 49 responsible for the payment of all penalties and
2 50 misused funds. School district funds or insurance
3 1 payments shall not be used to pay these penalties or
3 2 misused funds. All misused funds collected pursuant
3 3 to this section shall be returned to the school
3 4 district whose funds were misused.
3 5 12. An attorney acting on behalf of a school
3 6 district may request a legal opinion of the county
3 7 attorney or attorney general as to whether a proposed
3 8 use of school district resources would violate this
3 9 section.
3 10 13. All penalties collected by the court for a
3 11 suit initiated in the district court of a county by
3 12 the attorney general pursuant to this section shall be
3 13 paid to the office of the attorney general for the use
3 14 and reimbursement of costs of prosecution pursuant to
3 15 this section. All penalties collected by the court
3 16 for a suit initiated in the district court of a county
3 17 by a county attorney pursuant to this section shall be
3 18 paid to the county treasurer of the county in which
3 19 the court is held for the use and reimbursement of
3 20 costs of prosecution pursuant to this section.
3 21 14. For purposes of this section, unless the
3 22 context otherwise requires:
3 23 a. "Election" means any election referenced or
3 24 defined in section 39.3.
3 25 b. "Misused funds" means school district moneys or
3 26 resources used pursuant to subsection 1.>
3 27 #3. By renumbering as necessary.
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3 31 TYMESON of Madison
3 32 HF 732.301 83
3 33 kh/nh/22053